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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/080,086

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Jonathan L. Lei

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EXAMINER

CHANG, JUNGWON

ART UNIT

PAPER NUMBER

2154

DATE MAILED: 10/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/080,086

Applicant(s)

LEI ET AL.

Examiner

Jungwon Chang

Art Unit

2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 July 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 6-15, 18-26, 29-50, 63-81 and 84-89 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 6-15, 18-26, 29-50, 63-81 and 84-89 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to RCE filed on 7/25/06. Claims 4, 5, 16, 17, 27, 28, 51-62, 82, 83, 90-132 have been canceled. Claims 1-3, 6-15, 18-26, 29-50, 63-81 and 84-89 are presented for examination.

2. Claim 87 is objected to because the following informalities:

Line 3, the wireless transcei should be the wireless transceiver.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-3, 6-15, 18-26, 29-50, 63-81 and 84-89 are rejected under 35 U.S.C. 103(a) as being unpatentable over Okamoto et al. (US 2002/0161703), in view of Ito (US 2002/0116285).

5. As to claims 1, 12, 37 and 63, Okamoto discloses the invention substantially as claimed, including a wireless network system (fig. 2), comprising:

a server system (EMS, fig. 2) connected to a network (Internet, BS, public

telecommunication network, fig. 2);

an electronic device (VM, fig. 2) having a transceiver (300, fig. 2) adapted to communicate via at least one of light transmission and radio frequency (RF) transmission (page 2, 0032-0037, "radio communication"); and

a portable wireless device (mobile radio apparatus, fig. 2) having a first wireless connection (101, fig. 2) with the electronic device (fig. 2) (page 2, 0041) and having a second wireless connection to the server (fig. 2) (page 2, 0039), the portable wireless device communicating wirelessly with the electronic device (fig. 2), wherein data is transferred from the electronic device to the portable wireless device (4a, fig. 4; page 4, 0060) and response data is transferred from the server system to the portable wireless device (page 4, 0071) and then to the electronic device (page 4, 0072).

6. Okamoto does not specifically disclose data is transferred from the electronic device to server. However, Ito explicitly discloses data is transferred from the electronic device to server (S5, S7, fig. 3; page 3, 0039-0044). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of Okamoto and Ito because Ito's transferring data to the server would perform a desired purchasing transaction (Ito, page 3, 0040).

7. As to claim 2, Okamoto does not specifically disclose secure communication. However, Ito discloses communication between the electronic device and the server system is secured from the portable wireless device (page 2, 0038). It would have been

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obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of Okamoto and Ito because Ito's secure communication would execute the purchasing transaction more securely using private key (Ito, page 2, 0038).

8. As to claim 3, Okamoto discloses wherein the wireless connection is selected from the group consisting of a Transmission Control Protocol/Internet Protocol connection, a satellite connection, a Global system form Mobile communication connection, a code-division multiple access connection, a time-division multiple access connection, a cellular digital packet data connection, a general packet radio service connection and a wideband code division multiple access connection (page 2, 0031-0039).

9. As to claim 6, Okamoto discloses the electronic device lacks a permanent connection to the network (mobile switching center inherently sets up a temporary connection; page 2, 0032-0039).

10. As to claims 7 and 8, Okamoto discloses wherein the electronic device only communicates with the server system indirectly through the portable wireless device (fig. 2).

11. As to claim 9, Okamoto discloses wherein the portable wireless device includes a second wireless transceiver to communicate wirelessly with the wireless transceiver of

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the electronic device (102, 105, fig. 2).

12. As to claim 10, Okamoto discloses wide area network (Internet, fig. 2).

13. As to claim 11, Okamoto discloses communication is packet-based (Internet, CDMA network inherently include packet data and circuit switched service).

14. As to claim 13, it is rejected for the same reason set forth in claim 3 above.

15. As to claim 14, it is rejected for the same reason set forth in claim 2 above.

16. As to claim 15, Okamoto discloses further including processing a transaction by the server system (EMS, fig. 2; fig. 3).

17. As to claim 18, it is rejected for the same reason set forth in claim 6 above.

18. As to claim 19, it is rejected for the same reason set forth in claims 7 and 8 above.

19. As to claim 20, it is rejected for the same reason set forth in claim 10 above.

20. As to claim 21, it is rejected for the same reason set forth in claim 11 above.

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21. As to claim 22, it is rejected for the same reason set forth in claims 1, 12 and 51 above. In addition, Okamoto discloses a second wireless transceiver (102, fig. 2) having a wireless connection to a network (fig. 2).

22. As to claim 23, Okamoto discloses wherein the first wireless transceiver communicates wirelessly with the electronic device via a protocol selected from the group consisting of InfraRed communication, Bluetooth protocol, and IEEE 802.11 protocol (page 2, 0031-0039).

23. As to claim 24, it is rejected for the same reason set forth in claim 3 above.

24. As to claim 25, it is rejected for the same reason set forth in claim 22 above.

25. As to claim 26, it is rejected for the same reason set forth in claim 15 above.

26. As to claim 29, it is rejected for the same reason set forth in claim 6 above.

27. As to claim 30, it is rejected for the same reason set forth in claims 7 and 8 above.

28. As to claim 31, it is rejected for the same reason set forth in claim 10 above.

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29. As to claim 32, Okamoto discloses the portable wireless device is a mobile telephone (mobile radio apparatus, fig. 2).

30. As to claims 33-35, Okamoto discloses the portable wireless device (mobile radio apparatus, fig. 2).

31. As to claim 36, it is rejected for the same reason set forth in claim 11 above.

32. As to claim 38, it is rejected for the same reason set forth in claim 2 above.

33. As to claim 39, it is rejected for the same reason set forth in claim 3 above.

34. As to claims 40 and 41, they are rejected for the same reason set forth in claims 7 and 8 above.

35. As to claim 42, it is rejected for the same reason set forth in claim 10 above.

36. As to claim 43, it is rejected for the same reason set forth in claim 11 above.

37. As to claims 44 and 70, they are rejected for the same reasons set forth in claims 1, 12, 37, 51 and 63 above. Okamoto discloses program code storage device; machine-readable storage medium and machine-readable program code, stored on the machine

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readable storage medium having instructions (page 3, 0046).

38. As to claim 45, it is rejected for the same reason set forth in claim 2 above.

39. As to claim 46, it is rejected for the same reason set forth in claim 3 above.

40. As to claims 47 and 48, they are rejected for the same reason set forth in claims 7 and 8 above.

41. As to claim 49, it is rejected for the same reason set forth in claim 10 above.

42. As to claim 50, it is rejected for the same reason set forth in claim 11 above.

43. As to claim 64, it is rejected for the same reason set forth in claim 2 above.

44. As to claim 65, it is rejected for the same reason set forth in claim 3 above.

45. As to claims 66 and 67, they are rejected for the same reason set forth in claims 7 and 8 above.

46. As to claim 68, it is rejected for the same reason set forth in claim 10 above.

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47. As to claim 69, it is rejected for the same reason set forth in claim 11 above.

48. As to claim 71, it is rejected for the same reason set forth in claim 2 above.

49. As to claim 72, it is rejected for the same reason set forth in claim 3 above.

50. As to claims 73 and 74, they are rejected for the same reason set forth in claims 7 and 8 above.

51. As to claim 75, it is rejected for the same reason set forth in claim 10 above.

52. As to claim 76, it is rejected for the same reason set forth in claim 11 above.

53. As to claim 77, it is rejected for the same reasons set forth in claims 1, 12, 37, 51 and 63 above. In addition, Okamoto discloses a vending machine (Vending Machine, fig. 2); a dispenser to dispense an item when an approval is received from the server system over the network through the portable wireless device (page 4, 0073-0076).

54. As to claim 78, it is rejected for the same reason set forth in claim 23 above.

55. As to claim 79, it is rejected for the same reason set forth in claim 3 above.

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56. As to claim 80, Okamoto discloses the approval is transmitted from the server system to the vending machine after successful payment verification (fig. 4).

57. As to claim 81, it is rejected for the same reason set forth in claim 2 above.

58. As to claims 82, 83 and 87, they are rejected for the same reason set forth in claims 4 and 5 above.

59. As to claim 84, it is rejected for the same reason set forth in claim 6 above.

60. As to claims 85 and 86, they are rejected for the same reason set forth in claims 7 and 8 above.

61. As to claim 88, it is rejected for the same reason set forth in claim 10 above.

62. As to claim 89, it is rejected for the same reason set forth in claim 11 above.

Conclusion

63. Applicant's arguments with respect to claims 1-3, 6-15, 18-26, 29-50, 63-81 and 84-89 have been considered but are moot in view of the new ground(s) of rejection.

64. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

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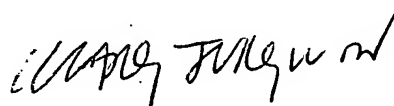
Defosse, patent 7,020,680, Whigham, patent 6,584,309 disclose vending machine purchase via cellular telephone.

65. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jungwon Chang whose telephone number is 571-272-3960. The examiner can normally be reached on 9:30-6:00 (Monday-Friday).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A Follansbee can be reached on 571-272-3964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

October 13, 2006


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